

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-3, 5-10 and 12-16 are pending for further examination.

Claims 1-3, 7-10 and 12-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Crowley (U.S. Patent No. 6,096,962) in view of Koguchi (U.S. Patent No. 5,148,419) and Shuster (U.S. Patent No. 6,270,409). Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Crowley in view of Koguchi and Shuster and further in view of Ishikawa et al. (U.S. Patent Publication No. US 2001/0016510). These rejections respectfully traversed for at least the following reasons.

The Examiner is thanked for providing the “Response to Arguments” section on pages 8-9 of the Final Office Action. This section indicates that the term “phrase data” recited in the claims has been broadly interpreted. In particular, the Final Office Action indicates that the claimed “phrase data” has been interpreted to include a non-winning combination. However, Applicant respectfully points out that claim 1 states that the phrase data designates a length and a pitch of a pronunciation of a tone color. In other words, the specifically claimed phrase data has absolutely nothing to do with winning or non-winning combinations in a gambling system. The “interpretation” advanced in the Final Office Action is completely unrelated to the language that clearly and explicitly appears in the claims. Additionally, although the “logic” is somewhat difficult to follow, the Final Office Action appears to be arguing that Shuster teaches resetting its counter after every non-winning combination. However, once again, the claims are unrelated to resetting and, in any case, Applicant respectfully submits that this argument is inapposite to the incrementing features of the claims.

Applicant previously pointed out that the alleged combination of references does not teach or suggest “incrementing said continuous counter when the phrase data selected last time and the phrase data selected this time agree and reselecting the phrase data when a count value of said continuous counter is larger than a predetermined value.” This limitation is recited in claims 1 and 8-9, and a similar claim limitation appears in claim 10. In this regard, Applicant also noted that Shuster does not increment a counter in the same manner as that which is claimed. In particular, Shuster increments its counter when any non-winning combination is reached, not withstanding the results of the previous play. Furthermore, when two winning combinations are achieved in a row, the counter of Shuster is not incremented. Accordingly, Shuster does not teach or suggest that a counter is incremented based on a previous selection in the claimed manner. Perhaps more fundamentally, Shuster is completely silent regarding incrementing, decrementing, resetting, or doing any other operation in response to specifically claimed phrase data. Shuster is unrelated to the above-quoted claim limitations, and thus the alleged combination of references fails to render obvious claims 1 and 8-10 (and also their respective dependents).

Applicant notes that the Final Office Action includes a response regarding the argument that the previous Office Action did not include suitable reasoning for why the references should be combined. However, this further explanation is largely incomprehensible as it consists of ungrammatical fragments of thoughts. Such clearly falls short of the requirement for a clearly articulated basis for why one of ordinary skill in the art at the time of the invention would have made the alleged combination. The language in the Final Office Action certainly is insufficient to support the legal conclusion of obviousness. Applicant thus reiterates the arguments made in

the Response dated April 8, 2008, and further submits that the Final Office Action still has failed to establish a prima facie case of obviousness.

Given the numerous fundamental deficiencies with the alleged combination of references discussed herein and previously presented, along with the absence of any reasoning to support the legal conclusion of obviousness, Applicant respectfully requests that the outstanding Section 103 rejections be withdrawn.

In view of the foregoing remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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